

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
TUESDAY, FEBRUARY 19, 2002
6:30 P.M.**

MINUTES

1. Call to Order

Mayor Seei called the Meeting to order at 6:30 p.m. and announced a quorum was present.

Present were: Mayor Seei, Mayor Pro Tem Osuna, Deputy Mayor Pro Tem Reveal, Council member Nichols, Council member Simpson, Council member West and Council member Maso.

Staff present were: City Manager George Purefoy, Interim City Manager Jason Gray, Assistant City Manager Scott Young, Glenn Hughes, Engineer, Director of Planning John Lettelleir, Attorney for the City Richard Abernathy, City Secretary Nan Parker.

2. Invocation

Mayor Seei offered the invocation.

3. Pledge of Allegiance

Deputy Mayor Pro Tem Reveal led the audience in the Pledge of Allegiance.

4. Citizen Input. (To begin approximately at 7:30 p.m.)

Jim Joyner, representing Leadership Frisco was present to address the Council to inform them (council) of the Leadership Frisco's project. Kim Camen of Frisco Future was present to address the Council regarding their need to expand the existing facilities. She informed the Council of the many areas that the "Future" has provided assistance to Frisco families over the past year.

Teresa Schiff, Moore Disposal Services was present to address the Council regarding her concerns that her company had not been allowed to bid on the recycling services in the City.

Discussion only, no formal action was taken

5. Reports

- A. City Manager's update of "Project Status Tracking Report Governance Tool"

Mayor Seei thanked Jason Gray for the key item report. Deputy Mayor Pro Tem Reveal stated that Code Enforcement (Sharon Elliott) had provided the Council with an outstanding report that was informative and user friendly.

- B. Annual Recycling Report from Community Waste Disposal

Robert Meegan, Community Waste Disposal presented the annual report to the Council as required by the CWD contract. Mr. Meegan stated that the City of Frisco and its citizens recycled 2016 tons of recyclables – translating into 22,134 trees saved, 494,760 gallons of oil and 12,901,000 gallons of water. He stated that CWD had had a 20% increase in the number of homes served and a 19% decrease in customer service calls.

Discussion only, no formal action was taken

- C. Status of Antenna Inventory Mapping Project

Council thanked the staff for the Antenna Inventory Mapping Project.

Discussion only, no formal action was taken.

- D. Engineering update on potential closure of Dallas Parkway.

Assistant City Manager Scott Young updated the Council on the potential closure of Dallas Parkway. He stated that there was a need to install an 8' x 10' culvert that would require a temporary detour around the existing roadway. He informed the Council that the construction manager felt that the roadway could be closed on Friday morning and have the roadway back open by Monday morning. In addition, Mr. Young stated that the road cut for the installation of the culvert has been approved by NTTA.

Discussion only, no formal action was taken

6. Consent Agenda

Council member Simpson moved to remove Item 6T for separate discussion. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro Tem Osuna moved to approve the Consent Agenda, excluding Item 6T. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

- A. Approval of approval of the Minutes of the Joint Work Session of the City Council, Planning and Zoning Commission, and Frisco Housing Authority Board on January 21, 2002, the Minutes of the Special Called Meeting of the City Council on January

21, 2002, the Minutes of the Joint Meeting of City Council Meeting and the Planning and Zoning Commission on January 30, 2002, the Minutes of the Special Called City Council Meeting on January 30, 2002, the Minutes of the Regular City Council Meeting held on February 5, 2002, and the Minutes of the Joint Meeting of the City Council and the Planning and Zoning Commission on February 6, 2002. (City Secretary's Office)

- B. Approval of approval of tax refunds over \$500.00. (Administrative Services)
- C. Approval of Pay Estimate #7 to Mario Sinacola & Sons in the amount of \$159,833.02 for work related to Frisco Square Municipal Management District. (Development Services)
- D. Approval of Pay Estimate #12 to Gracon Construction, Inc. in the amount of \$137,655.00 for work related to Custer Road Pump Station #2 and Custer Road 10MG Storage Tank #2. (Development Services)
- E. Approval of Pay Estimate #7 to Tiseo Paving Company in the amount of \$207,460.86 for work related to Rolater Road Phase V. (Development Services)
- F. Approval of Pay Estimate #2 to Soiltech Engineering and Testing, Inc. in the amount of \$14,500.00 for work related to Frisco Square. Phase I. (Development Services)
- G. Approval of Pay Estimate #5 to Site Concrete, Inc in the amount of \$7,349.28 for work related to Eldorado Parkway from Preston to Hillcrest. (Development Services)
- H. Approval of the purchase of one (1) Ford F-150 Extended Cab Pickup at \$18,841.92 for the Construction Inspection Division through HGAC. (Development Services)
- I. Adoption of **Resolution No. 02-02-44R** therein calling Public Hearings on proposed involuntary annexations. (Cases IA2002-1 through IA2002-22) (City Secretary's Office)
- J. Approval of an Agreement for professional services by and between the City of Frisco and Phelps/Wood Architects for the design of The Historic Depot and adoption of **Resolution No. 02-02-45R** therein authorizing the City Manager to sign the Agreement. (Parks)
- K. Approval of an Agreement for professional services by and between the City of Frisco and F & S Partners for the design of the Senior Adult Center and adoption of **Resolution No. 02-02-46R** therein authorizing the City Manager to sign the Agreement. (Parks)
- L. Approval of Invoice Number 12775 in the amount of \$2,671.92, from Newman, Jackson, Bieberstein Landscape Architecture for Southwest Community Park. (Parks)
- M. Approval of Invoice Number 60009 in the amount of \$2,907.42, from Newman, Jackson, Bieberstein Landscape Architecture for Frisco Hike and Bike Trail Master Plan. (Parks)
- N. Approval of a second amendment to the Retail Development Agreement by and between the City of Frisco, Frisco Economic Development Corporation, Frisco Community Development Corporation and Briar Preston Ridge Partners, LP and adoption of **Resolution No. 02-02-047R** therein authorizing the City Manager to sign the same. (City Manager's Office-JG)
- O. Adoption of **Resolution No. 02-02-48R** therein authorizing the City Manager to sign

and submit a grant proposal to the Texas State Library and Archives Commission requesting financial assistance to expand services to Frisco Senior Adults. (Parks)

- P. Approval of an Interlocal Agreement by and between the City of Frisco, the City of Allen, the City of McKinney, and the City of Plano regarding the Collin County Cultural Arts District. (City Manager's Office-CH)
- Q. Adoption of Resolution **No. 02-02-49R** therein amending the approved authorized bank representatives for the City of Frisco. (Administrative Services)
- R. Approval payment of Invoice Number 12 to Architects Phelps/Wood in the amount of \$2,490.76 for contract administration and reimbursable costs associated with the construction of Frisco Fire Station #4. (Fire Department)
- S. Approval of payment of Invoice Number 10-63541 to RTKL Associates, Inc. in the amount of \$19,800.00 for services regarding the Downtown Architectural Design Standards project. (Planning)
- T. **Approval of an additional \$2,500.00 for partial funding of the Collin County Cultural Arts District. (City Council Request)**

Council member Maso stepped down during this item because he is a member of the Cultural Arts District and he did not want a conflict of interest. Mayor Pro Tem Osuna moved to approve an additional \$2,500.00 for partial funding of the Collin County Cultural Arts District. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 5-0.

Following vote, Council member Maso returned to the table.

- U. Adoption of **Resolution No. 02-02-50R** approving the use of proceeds of Collin County Housing Finance Corporation Single Family Mortgage Revenue Bonds, Series 2002, in the City of Frisco. (City Manager's Office-JG)
- V. Approval of an Interlocal Agreement by and between the City of Frisco and Collin County regarding road and bridge maintenance in Frisco and adoption of **Resolution NO. 02-02-51R** therein authorizing the City Manager to sign the Agreement. (City Manager's Office-SY)

7. Legislative Agenda The Legislative Agenda was considered for approval. Deputy Mayor Pro Tem Reveal moved to approve the Legislative Agenda as submitted. Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

- A. Approval of an Amended Plat: Starwood, Phase 4, Village No. 17. Applicant(s):Blue Star Land. 34 single family lots on 40.5± acres on the southeast corner of Texas Drive and Dripping Springs Drive. Zoned Planned Development-106-Single Family. Neighborhood #22. (Planning)
- B. Adoption of **Ordinance No. 02-02-32** therein amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Article II (Permitted Uses and Definitions) (ZA2002-0001) (Planning)

END OF LEGISLATIVE AGENDA

8. Governance Agenda The Governance Agenda was considered for discussion.

A. Review of monthly Ends Monitoring Reports

Interim Assistant City Manager Jason Gray informed the Council that he would be meeting with the Governance Subcommittee in the near future. One of the items to be discussed being procedures for Boards/Commissions appointments.

END OF GOVERNANCE AGENDA

9. Presentation by Charter Revision Committee ("CRC")

Assistant City Manager Curtis Hawk reviewed the results of the meeting held on February 18, 2002 regarding the Charter Revision Committee's ("CRC") recommendations for revisions to the Charter to be presented to the voters. Mr. Hawk stated that there were still some issues not resolved during the February 18, 2002 Meeting. He (Hawk) stated that Mr. Bacchus and Ms. Granberry were present to answer questions. There were other members of the CRC in the audience to answer questions.

During discussion, Council member West had to leave the meeting for a brief period to attend a School Board Meeting (required).

Harold Bacchus, Chair of the CRC stated that he felt like the items had been addressed during the February 18, 2002 Meeting. Mr. Bacchus thanked the CRC, Assistant City Manager Curtis Hawk, Assistant City Secretary Teresa Filgo and the legal staff for their support during the six-month process. He then introduced Jennifer Granberry, Vice-Chair of the CRC.

Jennifer Granberry, Vice-Chair was present to address the Council regarding the CRC's recommendations. Discussion among the Council, Staff and CRC regarding the following sections:

Section 3.064 - Council member Simpson stated that there had been some concern/questions regarding vacancies on the council and the procedures for filling the vacancies if the term limits were changed to three-year terms. Richard Abernathy, City Attorney stated the Texas Constitution mandates that if length of terms of the mayor and /or council are longer than two years, and a vacancy occurs, the vacancy must be filled within 120 days by an election. If the 120 days does not include one of the statutorily designated election dates then they (council) may designate another date.

Council member Maso asked if that meant there could not be any appointments at any time. Mr. Abernathy replied correct. Mr. Abernathy stated that this applies for all council members and the mayor.

Section 3.067 - Mr. Hawk stated that in the proposed revisions there is the requirement

for four (4) affirmative votes to approve an item. He (Hawk) stated in that section where it refers to the council membership dropping below four (4) members, an affirmative vote of the **remaining** members is all that it takes to approve an item, until such time as the new members are elected.

Section 3.08 - The language was changed to reflect, "City Council or Mayor upon their *replacement* may become an employee of the City".

Section 3.12 - regarding abstention. The council agreed to leave the item as it currently exists in the Charter. Jennifer Granberry stated that it was different than what the CRC had recommended but the CRC agreed to the change.

Lengthy discussion regarding board members and/or commission filing for office of an elected municipal position.

The general consensus was for council members filing for an elected municipal office **other** than the seat they currently hold should submit a letter of resignation in a timely manner and step down from their seat.

Ms. Granberry stated that the resignation of board members and commissions had not been addressed by the CRC.

Council member Simpson moved that boards and commissions should not be subject to resigning their position on boards if members file for an elected municipal office. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Section 9.033 – Jennifer Granberry stated that the CRC had reviewed abstention from votes. The CRC recommended that Planning & Zoning Commission members abstaining from voting (where no conflict of interest exists) the vote should count as a no vote. The CRC's intent was to mirror the same language for the City Council. Ms. Granberry stated that they felt that it was important to keep this consistent. The Council agreed.

Section 14.02 – Equality of rights. The CRC recommended the language in the Charter to refer to "State and Federal law" throughout the Charter so that it (language) would be consistent and to avoid confusion in the future, alleviating the need for revision every two years on this portion of the Charter.

Section 3.10 Quorum - Deputy Mayor Pro Tem Reveal stated that this was one item that had been discussed at the February 18, 2002 meeting but had not been resolved. She referenced the part of the section that required an affirmative vote of the majority of the council members present, including the mayor (majority rule). As it currently is in the charter the Mayor breaks a tie. One of the concerns raised was if there were five council members present and three voted one way and two voted the other and the mayor could not break the tie, the item was in essence "frozen" or possibly tabled until a meeting when six council members were present, thus requiring a super majority to adopt or approve an item. If the item were a time sensitive issue then tabling would not be a

feasible option. The council discussed that every item should have a solid majority to approve an item, but because this is not always feasible, the mayor should be allowed to vote.

The CRC recommended that items should be adopted by an affirmative vote of four of the council members. Ms. Granberry stated that the CRC had mirrored the same language regarding four affirmative votes to adopt an item by the Planning & Zoning Commission.

Council agreed to pass on taking action on Section 3.10 until Council member West had returned to the meeting.

Council member West returned to the meeting and the council resumed discussion on Section 3.10.

Following discussion, Mayor Pro Tem Osuna moved to leave the language as it exists in the current Charter consistent for council and P&Z Commission that being the affirmative vote of the majority of the city council members present, simple majority. Deputy Mayor Pro Tem Reveal seconded the motion. Voting For: Mayor Pro Tem Osuna, Deputy Mayor Pro Tem Reveal and Council member West. Voting Against: Council member Nichols, Council member Simpson and Council member Maso. Mayor Seei broke the tie voting for the motion as stated. Motion carried. Vote: 4-3.

Section 14.02 – Equal opportunity requirements and applicable law. The CRC recommended language be consistent with State and Federal laws. The council stated they were in favor of leaving the item as submitted by the CRC.

The remaining sections were left as recommended by the CRC and finalized at the February 18, 2002 Joint Work Session.

10. Public Hearing regarding Proposed Charter Revisions. (City Manager's Office-CH)

Deputy Mayor Pro Tem Reveal moved to open the public hearing. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0. Public hearing was opened.

Chris Moss, 11436 Eagle Bend Lane, Frisco was present to request that the addition of the language "sexual orientation" be added to equality statement. He stated that to include the sexual orientation in the equality the statement would: 1) be the right thing to do and provide for more complete inclusion and 2) it would help the city attract the best and brightest employees.

Tony Felker, 11700 Lebanon Road, Frisco had a few questions for clarification. Section 3.012 the number of consecutive terms – council member in any place, not specifically that a person could not serve two terms in one place and then not turn around and run in a different place. He also asked about Section 3.06 appointment of the mayor – since the mayor is an elected place this was a moot point, per Mr. Felker. Section 3.14 regarding ordinances being available at council meetings for public review and that the

ordinances should be available at City Hall at no cost. Mr. Felker questioned Section 3.08 regarding no mayor or city council member shall serve as a city employee – he felt that it should be one year from the effective date of his or her resignation.

In addition, Mr. Felker addressed Section 9.02 (present procedure) regarding the requirement of three-fourths ($\frac{3}{4}$) vote of the council members present or four members shall be required to overrule the recommendation of the P&Z. He voiced concerns that on March 5, 2002 the council had voted to overrule the P&Z Commission's recommendation and it had been by simple majority not super majority. He stated that he had since been told that it requires three-fourth ($\frac{3}{4}$) vote of the council for **denial** of a case by the P&Z Board. Mr. Felker felt that the staff's comments were written so that it did not appear to be a denial.

There being no one else to address the Council, Deputy Mayor Pro Tem Reveal moved to closed the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

Council asked for staff's response to the citizens' input as follows:

Richard Abernathy, City Attorney responded to Mr. Felker's comments regarding Section 9.02. Mr. Abernathy stated that the ($\frac{3}{4}$) three-fourth vote or super majority of the council is required on a **denial of a zoning case** by the Planning & Zoning Commission and that staff's comments had no bearing on the required vote of the council.

Mr. Abernathy stated that Section 9.02 tracks the statute and is appropriate as it is in the Charter.

Discussion regarding effective date of resignation of council member or mayor and employment with the City – if placing the language “replacement date” of the council member or mayor. This language hanged the CRC's recommendations and would be voted on later during the meeting.

Charge for ordinances – policy decision.

Deputy Mayor Pro Tem Reveal asked if there should there be an added proposition called out as Proposition No. 21 for Equality of Rights for sexual orientation. Council member Simpson asked if this would single out a separate group. Mr. Abernathy reiterated the CRC's recommendation to follow State and Federal statutes and that at this time sexual orientation is not a requirement of State and Federal statutes. Mr. Hawk stated that the CRC's intent again was to follow State and Federal statutes. Mayor Pro Tem Osuna asked if State statute is different from Federal statute which one was affective. Mr. Abernathy stated that the city is obligated to follow State statute.

Mr. Abernathy stated that additional language regarding equality of rights i.e. sexual orientation could be adopted by ordinance rather than locked into the Charter.

Discussion regarding term limits and the scenario if someone moved to another seat – there was a ten-month waiting period added by the CRC, Council was in agreement.

Council member West returned to the meeting and Council returned to item No. 9.

11. Approval of approval of an Ordinance calling an election for a Charter Revision. (City Manager's Office-CH)

Deputy Mayor Pro Tem Reveal moved to adopt **Ordinance No. 02-02-33** therein calling an election for a Charter Revision to be held on May 4, 2002 accepting the CRC's proposed revisions to the Charter with the exception of the council's changes to the following Sections (Reference Item No. 9):

Section 3.064 regarding vacancies on the council.

Section 3.067 regarding four affirmative votes on the council when there are vacancies in the council.

Section 3.08 regarding employment of a former city council member or mayor.

Section 3.10 regarding quorum and voting of the same.

Section 3.12 regarding abstention of votes of city council.

Section 9.033 regarding abstention of vote of planning and zoning commissioners.

Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

12. Presentation by Carter & Burgess for the development of McKinney Road Park (Parks)

Dudley Raymond was present to address the Council regarding the development of McKinney Road Park. Discussion only, no formal action was taken.

13. Approval of appointment of a Construction Board of Appeals. (Development Services)

Donnie Mayfield was present to address the Council regarding their approval of appointment of a Construction Board of Appeals. Council suggested appointing the Board of Adjustment as the Construction of Appeals.

Following discussion, Mayor Pro Tem Osuna moved to **table** the appointment of the Construction Board of Appeals. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

14. Public Hearing/Second Hearing: Request for a voluntary annexation of a tract of land situated in the Henry Slack Survey Abstract No. 840, Collin County, Texas containing 100.726 acres, more or less. The property is located at the northeast corner of C.R. 71 and C.R. 23. (Case A2002-01) (Applicant: Robert L. Crews, Jr., Cool Bear Partners, Ltd.) (City Secretary's Office)

Council member Maso opened the public hearing. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

Richard Abernathy, City Attorney informed the Council and audience that the property is located within the existing ETJ, is contiguous to the existing City Limits and the Service Plan was available for public inspection.

There being no one to address the Council, Council member Maso closed the public hearing. Council member Simpson seconded the motion. Motion carried. Vote: 6-0. No action taken pending the adoption of the ordinance.

15. Public Hearing: Zoning Case ZA2002-0004. Applicant(s): City of Frisco. A request to consider amending the Comprehensive Zoning Ordinance regarding the regulation of private clubs, restaurants, and mixed beverage permit holders and Approval of adoption of an Ordinance of the same. (Planning)

Mayor Pro Tem Osuna opened the public hearing. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Director of Planning John Lettelleir was present to address the Council regarding the Staff and the Planning & Zoning Commission recommendations.

There being no one to address the Council, Council member Maso closed the public hearing. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Council member Simpson moved to adopt **Ordinance No. 02-02-34** therein amending the Comprehensive Zoning Ordinance regarding the regulation of private clubs, restaurants, and mixed beverage permit holders subject to the ordinance meeting the legal requirements of distance and permitted uses. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

16. Public Hearing: Specific Use Permit SUP2001-0024. Applicant(s): Hope Fellowship Church. A request for a Specific Use Permit for a Church on 8.8± acres on the northwest corner of Rolater Drive and King's Ridge Road. Zoned Planned Development-54-Multi-Family. Neighborhood #19. (Planning)

Mayor Pro Tem Osuna opened the public hearing. Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

Director of Planning John Lettelleir stated that the staff and the Planning & Zoning Commission recommended the approval of the Specific Use Permit for a Church on 8.8 acres, more or less.

There being no one else to address the Council, Mayor Pro Tem Osuna closed the public hearing. Council member West seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro Tem Osuna moved to approve the request as submitted and instructed staff to prepare an ordinance granting the SUP. Council member Nichols seconded the motion. Motion carried. Vote: 6-0.

17. Public Hearing: Zoning Case ZA01-0008. Applicant(s): City of Frisco. A request to consider amending the Comprehensive Zoning Ordinance regarding required parking for multifamily developments. (Planning)

Mayor Pro Tem Osuna opened the public hearing. Council member Maso seconded the motion. Motion carried. Vote: 6-0.

Director of Planning John Lettelleir updated the Council on the staff and the Planning & Zoning Commission's recommendations. He stated the P&Z had recommended two parking spaces per unit; three or more bedrooms one parking space for each bedroom because of the concern that Multi-family dwelling units were leasing garages for storage.

There being no one else to address the Council, Deputy Mayor Pro Tem Reveal closed the public hearing. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Mayor Pro Tem Osuna moved to approve the zoning case subject to:

- Staff to prepare an ordinance for adoption.
- Change of additional parking space in excess of two bedrooms.
- The garage shall not be used for storage.

Deputy Mayor Pro Tem Reveal seconded the motion. Voting Aye: Council member Nichols, Mayor Pro Tem Osuna, Deputy Mayor Pro Tem Reveal and Council member West. Voting Nay: Council member Simpson and Council member Maso. Motion carried. Vote: 4-2.

18. Approval of adoption of an Ordinance amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Creating Article III, Section 3 (5) (Tollway Overlay District). (ZA01-0007). Tabled at the January 15, 2002 and February 5, 2002 City Council meetings. (Planning)

Council member Simpson moved to remove the item from the table. Deputy Mayor Pro Tem Reveal seconded the motion. Motion carried. Vote: 6-0.

Following discussion, Council member Simpson moved to adopt **Ordinance No. 02-02-35** therein-amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Creating Article III, Section 3 (5) (Tollway Overlay District). Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

19. Approval of adoption of an Ordinance establishing procedures and fees for licenses for applications for Mixed Beverage Certificate and/or for Wine and Beer Retailer's Off-Premise Permit and any matters incident thereto. (City Secretary's Office)

City Secretary Nan Parker was present to address the Council regarding the need to establish procedures and fees for applications for Mixed Beverage Certificate permits and for Wine and Beer Retailer's Off Premise permits.

Don Burks was present to address the Council regarding the adoption of the Ordinance.

Mike Knowles was present to address the Council regarding the adoption of the Ordinance and the 300' proximity of his Mobile Station to a day care center.

Following discussion, Council member Nichols moved to adopt **Ordinance No. 02-02-36** therein establishing procedures and fees for licenses for applications for Mixed Beverage Certificate and/or for Wine and Beer Retailer's Off-Premise Permit subject to an increase in the administrative fee from \$100.00 to \$250.00. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

20. Approval of appointment to fill current City Council vacancy. (City Council Request)

Mayor Pro Tem Osuna recused himself from the discussion and stepped down from the table.

Discussion regarding the appointment of individuals to fill vacancies. Council member Maso stated that he did not have a problem with an appointment or no appointment as long as the process was consistent and everyone was treated the same. Deputy Mayor Pro Tem Reveal reiterated Council member Maso's comments.

Following discussion, Council member Maso moved to **table** the appointment to fill the current vacancy on the City Council. Council member Simpson seconded the motion. Motion carried. Vote: 5-0.

Following discussion, Mayor Pro Tem Osuna returned to the table.

21. Discussion regarding Mandatory Expanded Area Calling Scope. (City Council Request)

Discussion only, no formal action was taken.

22. Discussion regarding Official Message Board Policy. (City Council Request)

Discussion only, no formal action was taken

23. Discussion regarding FY 2002 sales tax revenue projections and uses and any matters incident thereto. (City Council Request)

Discussion only, no formal action was taken

24. Discussion regarding regulation of Hand Bill distribution in the City of Frisco and other matters incident thereto. (City Council Request)

Discussion only, no formal action was taken

25. Approval of designation of official polling places for May 2002 City election. (City Council Request)

Discussion regarding changing the polling place for the May 2002 Joint Election from Acker Special Programs Center. The general consensus was to leave the polling place there until a later date.

Following discussion Deputy Mayor Pro Tem Reveal moved to **table** the designation of additional and/or new polling places for the May 2002 Election. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

26. Discussion and staff direction on amending distance requirements pertaining to Sexually Oriented Businesses. (City Council Request)

Discussion only, no formal action was taken.

27. Consider and authorize the execution of an Agreement for the Construction of Roads and Related Public Improvements between the City of Frisco and SSR Collin County, L.P. relating a 65.081 acre tract which includes the area of the Frisco Sports Complex and adopt a Resolution authorizing the City Manager to sign the Agreement. (City Manager's Office)

Deputy Mayor Pro Tem Reveal moved to adopt **Resolution No. 02-02-53R** therein authorizing the City Manager to execute an Agreement for the Construction of Roads and Related Public Improvements between the City of Frisco and SSR Collin County, L.P. relating a 65.081 acre tract which includes the area of the Frisco Sports Complex. Council member Simpson seconded the motion. Motion carried. Vote: 6-0.

28. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Deputy Mayor Pro Tem Reveal moved to recess into Closed Session at 10:50 p.m. Mayor Pro Tem Osuna seconded the motion. Motion carried. Vote: 6-0.

Mayor Seei announced the Council was in Closed Session at 10:50 p.m. as authorized by the following:

- I. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- II. Section 551.074. Discussion with City Manager regarding staff performance.
- III. Section 551.071. Consultation with the attorney for the City regarding legal aspects of changes to zoning and subdivision regulations.
- IV. Section 551.072. To deliberate the acquisition of real property located:
 - (a) West of Preston Road, east of Legacy Drive, north of Stonebrook Parkway, and south of Eldorado Parkway; and,
 - (b) West of BN Rail Road, east of Teel Road, north of FM 720 and south of US 380.

Deputy Mayor Pro Tem Reveal moved to reconvene into regular session at 12:34 p.m. Council member West seconded the motion. Motion carried. Vote: 6-0. No action was taken as a result of the Closed Session.

29. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda

The Council requested Mr. Purefoy to send an update to the Council. No formal action was taken.

30. Discussion on Governance's Monitoring of present City Council Meeting

Discussion regarding the Governance Monitoring of the present City Council Meeting. Suggested that if the Council takes longer than ten minutes on any given item that item should be tabled. The Mayor did a good job of polling the Council. Good idea to move the reading of the captions to the end of the meeting.

Discussion only, no formal action was taken.

31. Adjourn

There being no additional business, the Meeting was adjourned at 12:45 a.m.

Kathleen A. Seei, Mayor

ATTEST:

Nan Parker, City Secretary